

REMARKS

In the Office Action, the Examiner indicated that claims 1 through 11 are pending in the application and the Examiner rejected all of the claims.

The Objections to the Specification and Abstract

On page 2 of the Office Action, the Examiner objected to the Abstract for containing only 39 words. Applicant notes that 37 C.F.R. §1.72 provides only that an Abstract should not *exceed* 150 words. No minimum length is indicated. Applicant acknowledges that M.P.E.P. §608.01(b) *recommends* a range of 50-150 words, but this recommendation is not a requirement. Notwithstanding this fact, Applicant has amended the Abstract..

Also on page 2 of the Office Action, the Examiner objected to the specification for various informalities. Applicant has amended the specification and respectfully submits that the Examiner's objections have been addressed by these amendments.

Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw the objections to the specification and Abstract.

Rejections under 35 U.S.C. §§102 and 103

On page 3 of the Office Action, the Examiner rejected claims 1-5 and 9-11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0074552 to Olkin et al. On page 5 of the Office Action, the Examiner rejected claims 1-2, 5, 7-8, and 11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0191594 to Kondo et al.

On page 6 of the Office Action, the Examiner rejected claim 6 under 35 U.S.C. §103(a) as being obvious over Kondo in view of Olkin.

The Cited Prior Art Does Not Anticipate the Claimed Invention

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) M.P.E.P. §2131.

The claimed invention is predicated on the basis that a user must authenticate him/herself to the device, in order to carry out a particular operation, only if certain conditions apply. The conditions are the amount of time elapsed since the last authentication of the user occurred, and the type of operation being requested by the user.

The type of operation is significant, because if it is an operation that requires, for example, little or no security clearance (e.g., reading an email), the time between repeat authentications being required may be relatively long. However, if the type of operation requires substantial security clearance, for example, making purchases, then the time between repeat authentications being required may be relatively short, or even zero, such that authentication is required every time.

The above is described in the U.S. patent publication corresponding to this application (US 2007/0289011) in paragraphs 0033 and 0034. A key feature of the invention is, therefore, the **type of operation** being requested. This feature is clearly recited in claim 1 as amended.

Olkin

In rejecting claim 1, the Examiner refers to the phrase in paragraph 64 in Olkin which says:

“the configuration options generally should persist from session to session, consistent with good security practice they should be associated with a user and not merely a machine”.

Paragraph 64 in Olkin describes how there are user-definable settings that may persist from one session to another. However, there is nothing in that paragraph, or indeed anywhere in Olkin, that describes that one of the user-definable settings relates to a determination as to whether or not the user must re-authenticate him/herself in dependence on the type of operation being requested. The statement in Olkin referred to by the Examiner refers to the examples given in the following paragraph: “a cache password setting, a cache time setting, an expiration setting” etc. None of these are directed to the type of operation as presently claimed in claim 1.

Accordingly, it is submitted that new claim 1 (and all claims depending therefrom) is both novel and non-obvious in view of Olkin.

Kondo

Kondo is concerned with a security system that not only checks the validity of a password, but also compares known characteristics of behavioural interaction with the computer by the user with stored characteristics. The user must validly authenticate him/herself when requesting to perform certain operations on the computer before being allowed to perform the operations.

Examples of characteristics of behavioural interaction are the time measured between pressing a first key and pressing a second key while typing in the password, and the operation of the mouse and how it is moved.

There is no discussion or suggestion regarding how the type of operation requested may influence whether or not a user must re-authenticate him/herself. The Examiner refers us to the phrase in paragraph 8 in Kondo which says:

“When the authentication is successful once, only one operation immediately after the authentication is permitted”.

Paragraph 8 in Kondo discusses the prior art and how it is known for a user to have to enter a password every time he/she wishes to perform an operation. This is the basis for the phrase referred to by the Examiner above. This phrase does not refer to, or even hint at, how the type of operation requested influences whether or not a user must re-authenticate him/herself.

Accordingly, it is submitted that new claim 1 (and all claims depending therefrom) is both novel and non-obvious in view of Kondo.

For the reasons set forth above, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. §102.

Claim 6 includes all of the limitations of claims 5 and 1. The combining of Olkin and Kondo neither teaches nor suggests the enabling of an operation by determining the type of operation and enabling the operation only if the determined time period is valid for that type of operation, as claimed in claim 1. Thus, claim 6 is not rendered obvious by such a combination. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claim 6 under 35 USC §103.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this communication to applicant's Deposit Account No. 50-4364.

Respectfully submitted

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Date

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